

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>JACKIE FISHER</b>	§	
<b>Plaintiff,</b>	§	
	§	
<b>vs.</b>	§	<b>CIVIL ACTION NO. 4:08-CV-01273</b>
	§	
	§	<b>Jury Demanded</b>
	§	
<b>UNIVERSITY OF TEXAS</b>	§	
<b>MEDICAL BRANCH and</b>	§	
<b>DAVID WATSON</b>	§	
<b>Defendants.</b>	§	

**FIRST AMENDED TRIAL WITNESS LIST OF PLAINTIFF, JACKIE FISHER**

Plaintiff, JACKIE FISHER, hereby serves and files this, her First Amended Trial Witness

List, as required by the FEDERAL RULES OF CIVIL PROCEDURE, Rules 26(a)(3)(A)(i) & (ii).

***Plaintiff Expects to Present:***

1. Jackie Fisher, Plaintiff  
c/o The Law Office of Jo Miller, P.L.L.C.  
505 North Main Street  
Carriage House  
Conroe, Texas 77301  
(936) 539-4400  
Plaintiff will testify concerning all material allegations and facts of this case.
  
2. David Watson  
c/o Assistant Attorney General  
General Litigation Division  
P.O. Box 12548, Capitol station  
Austin, Texas 78711  
Tel: (512)463-2120  
Plaintiff expects to present this witness at trial. Defendant-Plaintiff's former supervisor-  
will testify concerning the material aspects and factual basis of this case as well as  
UTMB's procedures and practices.

3. Mary Gotcher  
c/o Assistant Attorney General  
General Litigation Division  
P.O. Box 12548, Capitol station  
Austin, Texas 78711  
Tel: (512)463-2120  
Plaintiff expects to present this witness at trial. Witness is expected to testify concerning Plaintiff's complaints and demotion, and treatment by Defendants and the on-site investigation conducted by Melton and Gotcher, as well as UTMB's procedures and practices.
4. Melvin Williams  
UTMB Correctional Managed Care  
Director of EEO  
301 University Boulevard  
Galveston, Texas 77555-1008  
409/747-2600  
Plaintiff expects to present this witness at trial. Witness is expected to testify concerning Plaintiff's complaints of discrimination and retaliation, his investigation and findings, and UTMB's response, as well as UTMB's procedures and practices.
5. Craig Fisher  
c/o LAW OFFICE OF JO MILLER, P.L.L.C.  
505 North Main Street  
Conroe, Texas 77301  
(936) 539-4400  
Plaintiff expects to present this witness at trial. Plaintiff's husband—he will testify concerning Plaintiff's mental anguish damages and the impact on Plaintiff's family.
6. Bobby Vincent, Medical Director, MD  
Estelle Unit- Facility Management  
264 FM 3478  
Huntsville, Texas 77320-3320  
936/231-4200  
Plaintiff expects to present this witness at trial. Plaintiff's co-worker, may testify concerning the events cited in Plaintiff's appeals to UTMB, as well as UTMB's procedures and practices.

7. Patricia Freeman, Licensed Vocational Nurse (LVN)  
208 Morris Lane  
Huntsville, Texas 77320  
936/295-5183  
Plaintiff expects to present this witness at trial. Witness was under Plaintiff's supervision during the relevant time period and investigation by Melton and Gotcher and was referenced in Plaintiff's appeal to UTMB. She may testify concerning Plaintiff's supervision and the daily activities on the Unit, as well as UTMB's procedures and practices.
  
8. Rocio Sevilla, former Nurse Assistant  
2375 US 190  
Huntsville, Texas 77340  
936/231-4200  
Plaintiff expects to present this witness at trial. Witness was under Plaintiff's supervision during the relevant time period and investigation by Melton and Gotcher, and may testify concerning the request of her to provide a negative statement and her refusal, and has discoverable information concerning Plaintiff's supervision and the daily activities on the Unit, as well as UTMB's procedures and practices.
  
9. Ruby Proctor, Nurse Assistant  
Estelle Unit  
264 FM 3478  
Huntsville, Texas 77320-3320  
936/231-4200  
Plaintiff expects to present this witness at trial. Witness was under Plaintiff's supervision during the relevant time period and investigation by Melton and Gotcher and may testify concerning Plaintiff's supervision and the daily activities on the Unit, as well as UTMB's procedures and practices.
  
10. Jo Ann Mosley, Patient Care Assistant (PCA)  
Estelle Unit  
264 FM 3478  
Huntsville, Texas 77320-3320  
936/231-4200  
Plaintiff expects to present this witness at trial. Witness was under Plaintiff's supervision during the relevant time period and investigation by Melton and Gotcher and may testify concerning Plaintiff's supervision and the daily activities on the Unit, as well as UTMB's procedures and practices.

11. Lela Shaw, License Vocational Nurse  
2305 Siegn Drive  
Conroe, Texas 77304  
936/856-3183

Plaintiff expects to present this witness at trial. Witness was under Plaintiff's supervision during the relevant time period and investigation by Melton and Gotcher and may testify concerning Plaintiff's supervision and the daily activities on the Unit, as well as UTMB's procedures and practices.

12. Lowery Powers  
Physician Assistant at Ellis  
Huntsville Unit  
815 12<sup>th</sup> Street  
Huntsville, Texas 77342  
936/437-1975

Plaintiff expects to present this witness at trial. Witness was under Plaintiff's supervision during the relevant time period and may testify concerning Plaintiff's supervision and the daily activities on the Unit, as well as UTMB's procedures and practices.

13. Rosalyn Kelly, Registered Nurse (RN)  
TDCJ  
30009 A HWY 30 W  
Huntsville, Texas 77340  
936/437-4260

Plaintiff expects to present this witness at trial. Plaintiff's former Assistant Nurse Manager at the Huntsville Unit, referenced in Plaintiff's demotion and appeal to UTMB; may testify concerning Plaintiff's supervisory skills and the daily activities on the Unit. Also may testify concerning Defendant Watson's management and leadership style, as well as UTMB's procedures and practices.

14. William Samarneh, Practice Manager  
Holliday Unit  
295 IH- 45 North  
Huntsville, Texas 77320-8843  
936/295-8200

Plaintiff expects to present this witness at trial, if the need arises. Plaintiff's co-worker, may testify concerning the events cited in Plaintiff's appeals to UTMB, as well as UTMB's procedures and practices.

15. Matthew Lopez  
Former Physician Assistant at the Estelle Unit  
12074 La Salle Branch  
Conroe, Texas 77304  
Plaintiff expects to present this witness at trial. Witness may testify concerning Plaintiff's supervisory skills and the daily activities on the Unit. Also may testify concerning Plaintiff's peer management and leadership style, as well as UTMB's procedures and practices.
16. Louise Fagan, CRRT  
10647 FM 1485  
Conroe, Texas 77303  
Plaintiff expects to present this witness at trial. Witness may testify concerning the daily activities on the Unit and Plaintiff's supervisory skills and leadership style, as well as UTMB's procedures and practices
17. Connie Degelia, LVN  
40 Cypress Glen  
Huntsville, Texas 77320  
936/291-4200  
Plaintiff expects to present this witness at trial. Witness was under Plaintiff's supervision during the relevant time period and may testify Plaintiff's supervision and the daily activities on the Unit, as well as UTMB's procedures and practices.
18. Jonathan Hulme, M.D.  
17125 Red Oak Drive  
Suite 110  
Houston, Texas 77090  
281/537-7784  
Plaintiff expects to present this witness at trial. This is Plaintiff's treating physician who will testify as to the medical records showing treatments for stress at work and her mental anguish damages.

***Plaintiff May Call if the Need Arises:***

19. Denise Box, District Practice Manager  
Estelle Unit - District Manager  
264 FM 3478  
Huntsville, Texas 77320-3320  
936/231-4200  
Plaintiff expects to present this witness at trial, if the need arises. Mr. Watson's co-worker, may testify concerning the events cited in Plaintiff's appeals to UTMB, as well as UTMB's procedures and practices.
  
20. Carolynn Hicks, LVN  
Huntsville Unit  
815 12<sup>th</sup> Street  
Huntsville, Texas 77342  
936/437-1975  
Plaintiff expects to present this witness at trial. Witness was under Plaintiff's supervision during the relevant time period and may testify concerning Plaintiff's supervision and the daily activities on the Unit, as well as UTMB's procedures and practices.
  
21. Felecia Moffett, LVN  
169 Morris Lane  
Huntsville, Texas 77340  
936/295-3390  
Plaintiff expects to present this witness at trial. Witness was under Plaintiff's supervision during the relevant time period and may testify concerning Plaintiff's supervision and the daily activities on the Unit, as well as UTMB's procedures and practices.
  
22. Carol Warren, Register Nurse (RN)  
Palestine District Nurse Manager  
1391 FM 3328  
Tennessee Colony, Texas 75880  
903/928-2217  
Plaintiff expects to present this witness at trial, if the need arises. Witness was reassigned as Fisher's direct supervisor and is Mr. Watson's equal, may testify concerning the events cited in Plaintiff's fourth grievance, as well as UTMB's procedures and practices.

23. Sarah Benavides, RN, Staff Nurse

Estelle Unit

264 FM 3478

Huntsville, Texas 77320-3320

936/231-4200

Plaintiff expects to present this witness at trial, if the need arises. Witness was under Plaintiff's supervision during the relevant time period, was cited as witness letter in Plaintiff's appeal, and may testify concerning Plaintiff's supervision and the daily activities on the Unit. Also may testify concerning Defendant Watson's management and leadership style, as well as UTMB's procedures and practices.

24. Norma Mason, RN

Pack Unit

2400 Wallace Pack Road

Navasota, Texas 77868

936/825-3728

Plaintiff expects to present this witness at trial. Plaintiff's co-worker- may testify concerning Plaintiff's demotion and appeal; has discoverable information concerning Defendant Watson's management style, as well as UTMB's procedures and practices.

25. Delois Simms, PCA

Huntsville Unit

815 12<sup>th</sup> Street

Huntsville, Texas 77342

936/437-1975

Plaintiff expects to present this witness at trial, if the need arises. Witness was under Plaintiff's supervision during the relevant time period and may testify concerning Plaintiff's supervision and the daily activities on the Unit, as well as UTMB's procedures and practices.

26. Nandya Pandya, PCA

Wynne Unit

810 FM 2821 West and HWY 75 N

Huntsville, Texas 77349

936/295-9126

Plaintiff expects to present this witness at trial, if the need arises. Witness was under Plaintiff's supervision during the relevant time period and may testify concerning Plaintiff's supervision and the daily activities on the Unit, as well as UTMB's procedures and practices.

27. Jane Henley, LVN  
9607 Goose Prairie Rd  
Midway, Texas 75852  
936/348-6576  
Plaintiff expects to present this witness at trial, if the need arises. Witness was under Plaintiff's supervision during the relevant time period and may testify concerning Plaintiff's supervision and the daily activities on the Unit, as well as UTMB's procedures and practices.
28. Sharon Clay-Keith, former Physician's Assistant  
**Last known address and telephone number requested.**  
Plaintiff expects to present this witness at trial, if the need arises. Witness may testify concerning Plaintiff's supervision and of UTMB's discriminatory and retaliatory practices; and may testify concerning Plaintiff's peer management and leadership style, as well as UTMB's procedures and practices.
29. Marilyn Peters, former RN  
Ferguson Unit  
**Last known address and telephone number requested.**  
Plaintiff expects to present this witness at trial, if the need arises. Witness may testify concerning Plaintiff's supervision and daily activities on the Unit, as well as UTMB's procedures and practices.

Respectfully Submitted,

LAW OFFICE OF JO MILLER, P.L.L.C.  
505 North Main  
Carriage House  
Conroe, Texas 77301  
(936) 539-4400 Tel.  
(936) 539-4409 Fax

By: /s/ Jo Miller  
JO MILLER  
Attorney-in-Charge for Plaintiff,  
Jackie Fisher  
State Bar No. 00791268  
Federal ID Number 20385  
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**NOTICE OF ELECTRONIC FILING**

I, Jo Miller, do hereby certify that I have electronically submitted for filing, a true and correct copy of the above and foregoing document in accordance with the Electronic Case Files System of the Southern District of Texas, on this the 22 day of February, 2010.

/s/ Jo Miller

Jo Miller  
Attorney-in-Charge for Plaintiff,  
Jackie Fisher

**CERTIFICATE OF SERVICE**

I, JO MILLER, do hereby certify that a true and correct copy of the Plaintiff's First Amended Trial Witness List was served on February 22, 2010 as follows:

Sam Lively  
[sam.lively@oag.state.tx.us](mailto:sam.lively@oag.state.tx.us)  
Assistant Attorney General  
General Litigation Division  
P.O. Box 12548, Capitol station  
Austin, Texas 78711  
Tel: (512)463-2120  
Attorney for Defendants

/s/ Jo Miller

Jo Miller  
Attorney-in-Charge for Plaintiff,  
Jackie Fisher